

N.J. BOARD OF DENTISTRY  
ON 4-7-99 cm

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF

Administrative Action

ELLIOT J. SILBERMAN, D.D.S.  
LICENSE NO. DI 7401

CONSENT ORDER

TO PRACTICE DENTISTRY IN THE  
STATE OF NEW JERSEY

THIS MATTER was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information alleging that Elliot J. Silberman, D.D.S., ("respondent") permitted an unlicensed person to perform prophylactic treatments on patients. Respondent provided a statement to the Division of Consumer Affairs, Enforcement Bureau, in the presence of counsel, John Paul Dizzia, Esq., in which respondent admitted that he was aware that Julie Egan, his dental assistant, performed dental prophylaxis on pediatric patients in his dental office.

The Board also reviewed the Statements from Sandra Fahmy, R.D.H., and Julie Egan. Based on the foregoing, it appears to the Board that the respondent employed and permitted an unlicensed dental assistant to perform those dental procedures reserved by law to registered dental hygienists. The Board finds that that conduct

constitutes violations of N.J.S.A. 45:1-21(c) and N.J.S.A. 45:6-61 providing that any licensed dentist who permits any unlicensed person(s) to practice dental hygiene under his direction or control shall be guilty of conduct constituting willful and gross malpractice or willful and gross neglect in the practice of dentistry. The Board has considered respondent's statements that the violative conduct was limited to one assistant and for a brief period of time.

It now appearing to the Board that the respondent wishes to resolve this matter without recourse to formal proceedings and for good cause shown,

IT IS ON THIS 7<sup>th</sup> DAY OF April, 1999,

ORDERED THAT:

1. The license of the respondent to practice dentistry in the State of New Jersey shall be and is hereby suspended for a period of one (1) year for employing and permitting an unlicensed dental assistant to perform those dental procedures reserved by law to registered dental hygienists. The entire suspension shall be stayed and shall be served as a period of probation during which respondent shall fully comply with all provisions contained in this Board's enabling act and implementing regulations as well as the general laws of the State of New Jersey.

2. Respondent is hereby assessed a civil penalty in the total amount of \$2,500.00, representing a penalty for permitting an unlicensed dental assistant in his employ to perform those dental procedures reserved by law to registered dental hygienists.

This civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and sent to the Board of Dentistry, Attention: Agnes M. Clarke, Executive Director, 124 Halsey Street, P.O. Box 45005, Sixth Floor, Newark, New Jersey 07101, no later than thirty (30) days from the date of entry of this Order.

3. Within thirty (30) days of the entry of this Order, respondent shall pay costs to the Board in the amount of \$2,346.85, which payment shall be made by way of certified check or money order payable to the State of New Jersey and submitted to the Board office.

4. If, upon receipt of reliable information, including but not limited to an affidavit of counsel or board staff, the Board determines that respondent appears to have violated any term of this Consent Order, the Board may, in addition to any other penalty authorized by law, upon three days notice to respondent, activate the stayed suspension.



Abraham Samansky, D.D.S.  
President

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to entry of this Order.



Elliot J. Silberman, D.D.S.